

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): MAIER et al. ) Group Art Unit: 1645  
 )  
Appln. No.: 10/591,203 ) Examiner: Sarvamangala Devi  
Conf. No.: 7327 )  
 )  
Filed: June 22, 2007 )  
 )  
For: HYDROGENASE DEFICIENT BACTERIAL STRAINS

DECLARATION OF ROBERT J. MAIER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Robert J. Maier, declare and say as follows:

1. I am an inventor of the above-identified patent application. I am identified as the depositor of the *Salmonella typhimurium* strain JSG 321 given the ATCC Accession No. PTA-6556 on the attached ATCC receipt and viability statement.

2. The *Salmonella typhimurium* strain JSG 321 given the ATCC Accession No. PTA-6556 is the same as the one described in the above-identified patent application at, for example, page 8, lines 15-24.

3. The deposit was made under, and accepted under, the provisions of the Budapest Treaty. All restrictions to public access to the deposit will be irrevocably removed upon the grant of a patent on the above-identified application.

By: \_\_\_\_\_

Robert J. Maier

Date

April 15, 2010

# ATCC

RECEIVED

MAR 14 2005

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745 BARNES & THORNBURG LLP

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

**To: (Name and Address of Depositor or Attorney)**

University of Georgia  
Attn: Robert J. Majer  
Department of Microbiology  
627A Boyd Research Center  
Athens, GA 30602-4212

**Deposited on Behalf of:** University of Georgia Research Foundation

**Identification Reference by Depositor:**

**Patent Deposit Designation**

Salmonella typhimurium: JSG 321

PTA-6556

**The deposit was accompanied by:** ☐ a scientific description ☐ a proposed taxonomic description indicated above.

**The deposit was received February 4, 2005 by this International Depository Authority and has been accepted.**

**AT YOUR REQUEST:** ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested February 11, 2005. On that date, the culture was viable.

**International Depository Authority:** American Type Culture Collection, Manassas, VA 20110-2209 USA.

**Signature of person having authority to represent ATCC:**

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

**Date:** March 10, 2005

cc: Rebecca L. Ball  
Docket or Case No: 31725-75878